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**BEYOND THE ANTI-HOMOSEXUALITY ACT:  
HOMOSEXUALITY AND THE PARLIAMENT OF UGANDA**

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**Abstract**

In 2014, the Constitutional Court of Uganda nullified the Anti-Homosexuality Act 2014. Since that time, homosexuality has remained a key issue of debate in the Ugandan Parliament and there have been consistent calls from parliamentarians for the enactment of new anti-gay law. In this article, which is based on an analysis of the Official Report (Hansard), we provide a critical consideration of activity in the Ugandan Parliament relating to the issue of homosexuality since 2014. We examine how parliamentarians conceptualize the ‘problem’ of homosexuality and the claims they make about homosexuals. We show that calls for the increased regulation of homosexuality largely depend on problematic assertions about two related issues: the so-called ‘promotion’ of homosexuality in Uganda, and the imagined ‘recruitment’ of Ugandan children into homosexuality. We conclude by arguing that if the current level of support in the Parliament for anti-gay legislation is to be diminished, and the enactment of new anti-gay law is to be avoided, then it is crucial that some Ugandan parliamentarians speak out against homophobia and, importantly, are given support to do so.

In March 2014, the Anti-Homosexuality Act (AHA) 2014, passed by the Parliament of the Republic of Uganda in December 2013, came into force.<sup>1</sup> The stated aim of the AHA 2014, which originated five years earlier in the Anti Homosexuality Bill (AHB) 2009,<sup>2</sup> was to provide ‘comprehensive consolidated legislation’ prohibiting ‘any form of sexual relations between persons of the same sex’ and ‘the promotion or recognition of such sexual relations’ in order to ‘deal with emerging internal and external threats to the traditional heterosexual family’.<sup>3</sup> In August 2014, five months after the AHA 2014 was gazetted, the Constitutional Court of Uganda declared that the enactment of the AHA 2014 without quorum of Parliament was inconsistent with and in contravention of the Constitution and Parliamentary Rules of Procedure and thus ‘null and void’.<sup>4</sup>

Johnson (2015a) discussed in this journal the parliamentary process by which the AHA 2014 was enacted and noted the strong possibility that supporters of the legislation in the Parliament would seek to re-enact it.<sup>5</sup> Although the Parliament has not re-enacted the AHA 2014 there is considerable support among parliamentarians to do so in the future. Within the last year, several parliamentarians have committed to re-enact the AHA 2014 by way of a Private Member’s Bill.<sup>6</sup> Whilst Ugandan criminal law already prohibits same-sex sexual acts committed in private

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<sup>1</sup> The Anti-Homosexuality Act, 2014 (Act No. 4, 2014). Acts Supplement No. 3 to The Uganda Gazette, No. 14, Volume CVII, 10 March 2014. Hereafter ‘AHA 2014’.

<sup>2</sup> The Anti Homosexuality Bill, 2009 (Bill No. 18, 2009). Bills Supplement No. 13 to The Uganda Gazette, No. 47, Volume CII, 25 September 2009. Hereafter ‘AHB 2009’.

<sup>3</sup> AHB 2009, Memorandum § 1.1.

<sup>4</sup> *Prof. J Oloka-Onyango and Nine Others v Attorney General*, Constitutional Petition No. 8 of 2014, Constitutional Court of Uganda, Judgment of 1 August 2014, [2014] UGCC 14.

<sup>5</sup> For a further in-depth discussion of the enactment and nullification of the AHA 2014 see Oloka-Onyango (2017). See also Jjuuko and Mutesi (2018: 294) who discuss the ‘political forces beyond the judicial process’ that resulted in the nullification of the AHA 2014.

<sup>6</sup> For example: Hansard, Mr Akamba MP, 11 April 2018, 5.52 p.m.; Hansard, Mr Ariko MP, 11 April 2018, 6.00 p.m.; Hansard, Mr Gafabusa MP, 11 April 2018, 6.10 p.m.; Hansard, Mr Sebagala MP, 6 December 2018, 4.26 p.m.

between consenting adults,<sup>7</sup> parliamentarians consistently claim that provisions contained in the AHA 2014 are necessary to criminalize ‘those who abet, procure, promote and finance homosexual activities’.<sup>8</sup>

The principal aim of this article is to provide a critical consideration of activity in the Ugandan Parliament relating to the issue of homosexuality since the AHA 2014 was nullified. To achieve this, we have analysed all plenary (main Chamber) debates in the Parliament that were reported in the Official Report between September 2014 and March 2019.<sup>9</sup> Our analysis involved a two-stage process. First, we conducted content analysis of debates published in the Official Report for 408 parliamentary sitting days to identify any reference made by parliamentarians to homosexuality.<sup>10</sup> From this analysis we identified 47 days on which the issue of homosexuality was discussed. We then conducted thematic analysis on the debates relating to homosexuality on these 47 sitting days – treating the Official Report as qualitative data – to identify both implicit and explicit themes (Guest, MacQueen and Namey, 2012: 10) that predominate in the discussion of homosexuality in the Parliament. Our analysis shows that homosexuality remains a key issue on the Parliamentary agenda and that support for enhancing the regulation of homosexuality, which is based on an acceptance of certain key claims about the ‘problem’ of homosexuality, has intensified in the Parliament over the last five years. Crucially, our analysis also shows that there is a complete absence of expressions of opposition to the now regularly articulated view that homosexuality is contrary to the ‘norms and culture’ of Uganda.<sup>11</sup> Our analysis strongly suggests

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<sup>7</sup> S.145 and S.148 Penal Code Act, Cap 120, Laws of Uganda, Revised Edition, 2000. Hereafter ‘PCA Cap 120’.

<sup>8</sup> Hansard, Mr Ariko MP, 11 April 2018, 6.00 p.m.

<sup>9</sup> This covers every month except January 2015, February 2016, and April, July and October 2017, for which no Official Reports are available.

<sup>10</sup> We searched the content of the Official Report on these days for references to ‘homosex\*’ (to capture ‘homosexual’ and ‘homosexuality’), ‘gay’, ‘lesbian’, ‘sexuality’, ‘sex’ and ‘sodomy’.

<sup>11</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

that if, at some stage in the future, parliamentarians seek to re-enact the AHA 2014 or enact similar legislation that this will have considerable support within the Parliament.<sup>12</sup>

In light of this, we consider it vital, particularly for those who would seek to challenge and resist further anti-gay legislation in Uganda, to understand the ways in which parliamentarians approach the ‘problem’ of homosexuality. We begin by considering how parliamentarians conceptualize homosexuality and the negative claims they make about homosexuals. Many of the claims parliamentarians make about homosexuality and homosexuals depend upon long-standing homophobic ideas that have been given expression in many other parts of the world. Although many of the claims made about homosexuality and homosexuals in the Parliament – for example, that homosexuality is unnatural, inhuman and dangerous – may seem hackneyed, discredited or just plain stupid to many readers, such claims provide the basis on which parliamentarians advocate for extensive new forms of regulation to deal with the perceived problem of homosexuality. We show that calls for the increased regulation of homosexuality largely depend on problematic assertions about two related issues: the so-called ‘promotion’ of homosexuality in Uganda, and the imagined ‘recruitment’ of Ugandan children into homosexuality. Regular expressions of concern in the Parliament about these issues provide the bedrock for generating support among parliamentarians for taking action to stop homosexuality ‘destroying our families’.<sup>13</sup> We conclude by arguing that if the current level of support in the Parliament for anti-gay legislation is to be diminished then it is crucial that some parliamentarians speak out against homophobia and, importantly, be given domestic and international support to do so.

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<sup>12</sup> Jjuuko and Mutesi discuss the potential of the Parliament to enact such legislation and see this as an ‘ongoing war’ between the Parliament and the LGBT community (2018: 302).

<sup>13</sup> Hansard, Ms Akello MP, 11 April 2018, 5.18 p.m.

## 1. What is homosexuality and who are homosexuals?

One of the defining features of debate in the Parliament since September 2014 is that homosexuality is always, without exception, spoken about in wholly negative terms. In this section we explore how parliamentarians conceptualize homosexuality and the claims they make about homosexuals. We identify the key ideas that circulate in the Parliament about same-sex sexual acts and the risks they are imagined to pose to Ugandan citizens and society.

### *1.1 Homosexuality is ‘bad’ and everyone agrees*

The pervasive and homogenized view of parliamentarians who speak about homosexuality is that it is ‘bad’<sup>14</sup> and ‘even those who practice it know that it is bad’.<sup>15</sup> The regularly expressed claim that homosexuality is devoid of any value – for example, that it is ‘unacceptable, unthinkable, unwarranted, [and] uncalled for’<sup>16</sup> – is never challenged. Parliamentarians who make negative claims about homosexuality also regularly claim that their views are reflective of the views of the Ugandan people. It has been claimed, for example, that the ‘majority of Ugandans do resent the idea that a man should sleep with a man [...] or a woman should sleep with a woman’,<sup>17</sup> that there has been an ‘outcry of the people of Uganda’<sup>18</sup> about homosexuality, that the people of

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<sup>14</sup> Hansard, Ms Ogwal MP, 11 May 2016, 2.33 p.m.

<sup>15</sup> Hansard, Ms Diri MP, 11 April 2018, 6.05 p.m.

<sup>16</sup> Hansard, Mr Aogon MP, 11 April 2018, 5.50 p.m.

<sup>17</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>18</sup> Hansard, Ms Ogwal MP, 19 May 2016, 10.49 a.m.

Uganda ‘do not condone any act of homosexuality’,<sup>19</sup> and that the condemnation of homosexuality by parliamentarians is ‘on behalf of [...] all Ugandans’.<sup>20</sup>

Although parliamentary debates create the impression that there is universal acceptance among parliamentarians that homosexuality is a ‘repugnant and deplorable practice’,<sup>21</sup> it is striking that very few Members of Parliament ever speak on this subject. For example, between the time of the commencement of the Tenth Parliament in May 2016<sup>22</sup> and March 2019, at least 63 parliamentarians had spoken once or more on the subject of homosexuality during a debate in the main Chamber. The vast majority of Members of Parliament – the total of which currently stands at 459<sup>23</sup> – therefore did not speak on the subject of homosexuality in a debate in the main Chamber during this time. Nevertheless, it has been claimed by some parliamentarians that ‘voters hear us talking about this thing [homosexuality] in a united manner, [and] it means that we are true representatives of the people’.<sup>24</sup> If parliamentarians are ‘united’ on homosexuality, however, it is largely because of the silence of the majority during debates on the subject. Therefore, the dominance of a negative view of homosexuality is sustained in Parliament by spoken interventions by a small number of parliamentarians and the tacit support they receive from other Members.

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<sup>19</sup> Hansard, Mr Aogon MP, 11 April 2018, 5.50 p.m.

<sup>20</sup> Hansard, Ms Taaka MP, 11 April 2018, 5.30 p.m.

<sup>21</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>22</sup> The first sitting of the Tenth Parliament of Uganda was on 19 May 2016.

<sup>23</sup> Composition of the Tenth Parliament of Uganda as at 1 November 2018, accessed at [https://www.parliament.go.ug/sites/default/files/COMPOSITION%20OF%20THE%20TENTH%20PARLIAMENT%20as%20at%201st%20November%202018\\_1.pdf](https://www.parliament.go.ug/sites/default/files/COMPOSITION%20OF%20THE%20TENTH%20PARLIAMENT%20as%20at%201st%20November%202018_1.pdf) on 23 April 2019.

<sup>24</sup> Hansard, Ms Ogwal MP, 11 April 2018, 6.17 p.m.

## ***1.2 Homosexuality is unnatural and inhuman***

One of the key ways in which parliamentarians support their negative claims about homosexuality is by drawing upon long-standing ideas about ‘nature’ and ‘natural’ sexuality. For example, in parliamentary debates homosexuality has been claimed to be ‘unnatural in humans’<sup>25</sup> and same-sex sexual acts have been described as ‘unnatural practices’.<sup>26</sup> Claims that same-sex sexual acts are a form of ‘carnal knowledge against the order of nature’<sup>27</sup> reiterate the substance of Ugandan criminal law,<sup>28</sup> and such claims were once commonplace in the United Kingdom Parliament (and, before it, the Parliament of England) that first enacted criminal law provisions similar to those in force in Uganda.<sup>29</sup> To evidence claims that same-sex sexual acts are unnatural, some parliamentarians rely on naturalistic ideas about the functions that a human body can and should perform, for example:

God has created all these different [body] parts for specific purposes; the mouth is for eating, the ears for hearing and the sexual organs for procreation [...] Have you ever seen anybody eating through the ear? No, you cannot; it is unnatural. Therefore, it is the same with the anus; you cannot use it for sex. It cannot work [...]<sup>30</sup>

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<sup>25</sup> Hansard, Ms Diri MP, 11 April 2018, 6.05 p.m.

<sup>26</sup> Hansard, Mr Otto MP, 25 June 2015, 6.56 p.m.

<sup>27</sup> Hansard, Mr Obua MP, 14 November 2018, 4.44 p.m.

<sup>28</sup> S.145 PCA Cap 120.

<sup>29</sup> For a historical discussion of debates in the UK Parliament see: Johnson (forthcoming). For a discussion of the history of Ugandan law relating to private and consensual sexual acts between adults of the same sex, and its relationship with English law, see: Jjuuko (2013) and Johnson (2015a).

<sup>30</sup> Hansard, Ms Diri MP, 11 April 2018, 6.05 p.m.



Same-sex sexual acts are claimed to be ‘inhuman’<sup>31</sup> and ‘against humanity’<sup>32</sup> – in other words, outside of and antithetical to humanness. Homosexuality, because it is argued to be ‘not natural at all’, is said to be ‘an act of social deception’.<sup>33</sup> To support these views, parliamentarians often resort to claims about the natural order of the animal kingdom – in which, it is claimed, a ‘he-goat looks for a she-goat, a bull looks for a cow, a cock looks for a hen’<sup>34</sup> – to argue that ‘[i]f animals cannot do it, how can human beings do it?’<sup>35</sup> Such claims are similar to those regularly made in other jurisdictions, such as Iran, where homosexuals are regularly depicted as ‘lower than animals’ and ‘subhuman’ (6rang, 2017: 17-18).

### ***1.3 Homosexuality is depraved or learned***

Although parliamentarians claim to be united in their belief that homosexuality is an ‘obnoxious, abnormal practice’<sup>36</sup> they do not agree on what ‘causes’ it. Whilst parliamentarians acknowledge the existence of Ugandan homosexuals – unlike in some other jurisdictions, where political leaders claim that there are no homosexuals in their populations<sup>37</sup> – they are divided on the question of why some Ugandans engage in same-sex sexual acts. Two different explanations have been regularly advanced in the Parliament: first, that homosexuality is the result of moral depravity, and second that homosexuality is learned behaviour.

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<sup>31</sup> Hansard, Ms Taaka MP, 11 April 2018, 5.30 p.m.

<sup>32</sup> Hansard, Mr Mwijukye MP, 14 November 2018, 4.28 p.m.

<sup>33</sup> Hansard, Mr Gafabusa MP, 11 April 2018, 6.10 p.m.

<sup>34</sup> Hansard, Mr Obua MP, 14 November 2018, 4.44 p.m.

<sup>35</sup> Hansard, Mr Mwijukye MP, 14 November 2018, 4.28 p.m.

<sup>36</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>37</sup> For instance, the President (now Head) of the Chechen Republic of the Russian Federation, Ramzan Kadyrov, has argued that homosexuals ‘do not exist in the republic’ (The Guardian, 2017). Similarly, the Russian Federation’s Minister of Justice, in his address to the Human Rights Council of the United Nations, denied the existence of sexual minorities in the Chechen Republic. See Council of Europe, Report on the ‘Persecution of LGBTI people in the Chechen Republic (Russian Federation)’, Doc 14572 (2018). Similarly, the former Iranian President, Mahmoud Ahmadinejad, claimed that ‘In Iran, we don’t have homosexuals’ (The Guardian, 2007).

It has been argued, for example, that Ugandans have ‘ended up with [...] vices like homosexuality’<sup>38</sup> as a consequence of ‘vice’ being ‘spread’<sup>39</sup> in Uganda. Homosexuality, according to this view, has been claimed to result from ‘immorality’:

Our country is reeling under the full weight of immorality, like we have not seen before.

Our country is witnessing situations [referring to an LGBT festival organised near the River Nile in Jinja] that arise from that immorality that is attacking our nation.<sup>40</sup>

Homosexuality has therefore been presented by some parliamentarians as a symptom or manifestation of the moral decline of Ugandan society. Ugandan homosexuals have been described as victims who have fallen prey to, what Devlin once called, ‘the loosening of moral bonds’ in society (Devlin, 1965: 13). Parliamentarians have claimed that when individuals have been morally corrupted into homosexuality – often by, as we discuss below, foreign homosexuals – they become orientated towards furthering the moral decay of society:

With support from misguided Ugandans who suffer from a condition known as moral depravity and are willing to betray their country, proponents and practitioners of homosexuality are championing a relentless campaign to recruit Ugandans into accepting the vice.<sup>41</sup>

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<sup>38</sup> Hansard, Mr Mwiru MP, 17 December 2015, 6.24 p.m.

<sup>39</sup> Hansard, Ms Alum MP, 11 April 2018, 5.57 p.m.

<sup>40</sup> Hansard, Mr Buturo MP, 4 September 2018, 2.29 p.m.

<sup>41</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

The idea that homosexuality is a symptom of moral decay and those suffering from it need to be morally ‘counselled’<sup>42</sup> was once a dominant view in Europe, where homosexuals were widely considered to be moral failures (Plummer, 1981) contributing to the disintegration of society (Devlin, 1965).

By contrast, some parliamentarians have claimed that homosexuality is ‘a behaviour, which is learnt in adult life’ and, consequently, ‘a behaviour, which can be unlearned’.<sup>43</sup> Those parliamentarians who believe this strongly reject essentialist notions of sexual orientation as a predetermined or inherent feature of each individual:

[...] there is a wealth of scientific evidence, which shows that homosexuality is just a behaviour, which is learnt in adult life. You are not born homosexual. There is no iota of evidence that shows that there is genetic predisposition of homosexuality.<sup>44</sup>

Parliamentarians appear to hold very different ideas about how people ‘learn’ to be homosexual. However, a key idea among parliamentarians is that homosexuality is learned through ‘culture’<sup>45</sup> and that it is possible to ‘plant the culture of homosexuality’ into a person so that they become homosexual.<sup>46</sup> In this sense, homosexuality is understood as a ‘way of life’<sup>47</sup> and one of the most repugnant ‘lifestyles’<sup>48</sup> that people can acquire. As we explore below, many parliamentarians

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<sup>42</sup> Hansard, Mr Mwijukye MP, 14 November 2018, 4.28 p.m.

<sup>43</sup> Hansard, Dr Baryomunsi MP, 11 April 2018, 5.41 p.m.

<sup>44</sup> Hansard, Dr Baryomunsi MP, 14 November 2018, 4.20 p.m.

<sup>45</sup> Hansard, Ms Ogwal MP, 19 May 2016, 10.49 a.m.

<sup>46</sup> Hansard, Ms Ogwal MP, 17 December 2015, 7.35 p.m.

<sup>47</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>48</sup> Hansard, Mr Sebyggala MP, 9 August 2016, 5.15 p.m.

believe that foreign organizations are responsible for ‘promoting’ the so-called homosexual lifestyle.

#### ***1.4 Homosexuality and homosexuals are dangerous***

A key aspect of parliamentary debates is the repeatedly made claim that homosexuality and same-sex sexual acts pose a serious danger to both individuals and Ugandan society. The key social danger of homosexuality, it is claimed, is that same-sex sexual acts are ‘antithetical to human procreation and survival’<sup>49</sup> and, if left unregulated, will mean that ‘there will be no children and we will see the end of the world sooner’.<sup>50</sup> Homosexuality, it has been claimed, puts at risk the ‘need to maintain our population and [...] have our families intact’.<sup>51</sup>

As well as posing a significant social danger, homosexuality has also been argued to pose serious medical dangers. For example, it has been argued that sodomy can result in significant damage to the anus resulting in individuals ‘passing stool uncontrollably’<sup>52</sup> and, consequently, having to wear ‘pampers’.<sup>53</sup> This idea is not new and resonates with arguments made in the late nineteenth century by European forensic pathologists who claimed that anal intercourse caused ‘flaccid buttocks and funnel-shaped anuses with stretched or relaxed sphincters’ (Tardieu in Beachy, 2010: 813). It has also been claimed that homosexuality is responsible for an increase in HIV infection rates within the wider population: ‘[t]hese people [homosexuals] will infect our

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<sup>49</sup> Hansard, Dr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>50</sup> Hansard, Ms Kamateeka MP, 11 April 2018, 5.38 p.m.

<sup>51</sup> Hansard, Ms Akello MP, 11 April 2018, 5.18 p.m.

<sup>52</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>53</sup> Hansard, Ms Ssentongo MP, 14 November 2018, 4.32 p.m.

husbands, they will infect our children and at the end of the day, it is increasing the prevalence of HIV and AIDS in the country’.<sup>54</sup>

Homosexuals have been routinely depicted in the Parliament as dangerous people who are intrinsically orientated towards harming others and society. For example, it has been claimed that homosexuals are engaged in ‘sexual terrorism and violence’<sup>55</sup> in Ugandan society. Homosexuals, it has been argued, engage in ‘abuses’,<sup>56</sup> such as employing people to ‘work in offices and hotels’ who are then ‘subjected to homosexuality’ and ‘shattered beyond repair’.<sup>57</sup> Homosexuals have been said to be people who have ‘a lot of money’ and pursue their ‘hidden agenda’ in order to ‘confuse [Ugandan] society’.<sup>58</sup> Such claims about homosexuals rely upon a long-standing and widespread stereotype – particularly of homosexual men – as powerful sexual predators intent on corrupting others and spreading their sexual deviancy in society (for a discussion, see Weeks, 1989; Moran, 1996). This stereotype has a long history – Heinrich Himmler, in 1936, described homosexuals as a ‘serious danger to population policy and public health’ (quoted in Grau, 1995: 88) – and is in no way unique to debate in the Ugandan parliament.

## **2. The ‘promotion’ of homosexuality**

One of the primary explanations that parliamentarians have consistently given for the existence of homosexuality in Uganda is that it is being actively ‘promoted’ by individuals and organisations. To address this, the AHA 2014 contained extensive provisions criminalising a

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<sup>54</sup> Hansard, Ms Akurut MP, 14 November 2018, 4.50 p.m.

<sup>55</sup> Hansard, Mr Aogon MP, 11 April 2018, 5.50 p.m.

<sup>56</sup> Hansard, Ms Alaso MP, 19 August 2015, 4.12 p.m.

<sup>57</sup> Hansard, Ms Ekwau MP, 21 April 2016, 5.36 p.m.

<sup>58</sup> Hansard, Mr Achia MP, 17 August 2016, 5.51 p.m.

wide range of activities linked to the ‘promotion of homosexuality’.<sup>59</sup> Since the nullification of the AHA 2014, parliamentarians have continued to argue that the promotion of homosexuality constitutes a ‘relentless and unprecedented attack’<sup>60</sup> upon Uganda that all Ugandans ‘need to find a way of fighting’.<sup>61</sup> In this section we examine how parliamentarians understand how the promotion of homosexuality works and, specifically, the ‘tactics’ they claim that the promoters of homosexuality employ in Uganda.

### ***2.1 The infiltration of Uganda by foreign homosexuals***

Debates in the Parliament about the promotion of homosexuality have been dominated by lengthy interventions, made by a small number of parliamentarians, about the ‘infiltration’<sup>62</sup> of homosexuals into Uganda. The commonly made claim that homosexuals are ‘infiltrating the country’<sup>63</sup> has never been challenged in a parliamentary debate since September 2014 and parliamentarians appear to accept this claim when it is made. Between the time of the commencement of the Tenth Parliament in May 2016 and March 2019, 28 parliamentarians had spoken in the main Chamber about the promotion of homosexuality.

A repeatedly made argument in the Parliament has been that homosexuality is alien to both Ugandan and African ‘traditions’<sup>64</sup> and ‘values’<sup>65</sup> and is being promoted by foreign countries in

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<sup>59</sup> S.13 AHA 2014. For a discussion of this provision, see Johnson (2015a).

<sup>60</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>61</sup> Hansard, Ms Koyekyenga MP, 14 November 2018, 4.36 p.m.

<sup>62</sup> Hansard, Dr Baryomunsi MP, 11 April 2018, 5.41 p.m.

<sup>63</sup> Hansard, Mr Akamba MP, 11 April 2018, 5.52 p.m.

<sup>64</sup> Hansard, Ms Kawooya MP, 25 November 2014, 3.51 p.m.

<sup>65</sup> Hansard, Ms Kamateeka MP, 11 April 2018, 5.38 p.m.

which homosexuality is ‘dominant’.<sup>66</sup> The argument that homosexuality is antithetical to the ‘value systems and beliefs’<sup>67</sup> of the Ugandan people is similar to arguments made in other African countries in which it is claimed that homosexuality is ‘un-African’ (Vincent and Howell, 2014, Sadgrove et al., 2012). Parliamentarians have consistently argued that, due to homosexuality being promoted in the country by foreign individuals and organizations, Uganda is ‘slowly but surely getting under the territory of homosexuality’.<sup>68</sup> Homosexuality, it has been claimed, is spreading ‘like paraffin’<sup>69</sup> and is now found among ‘lawyers, businessmen, chief executive officers of companies, directors and top managers of big companies, Government officials, pastors, sheiks, youths and common Ugandans’.<sup>70</sup> Homosexuality, it is argued, is ‘eating up Uganda’<sup>71</sup> through ‘mass recruitment’<sup>72</sup> by homosexuals who ‘have invaded Africa’<sup>73</sup> in order to ‘target’ and ‘intoxicate’ the ‘young generation’.<sup>74</sup> Homosexuals, parliamentarians have claimed, are ‘morally wanting and decrepit, arrogant, vicious’<sup>75</sup> people intent on destroying African ‘norms and culture’.<sup>76</sup>

Parliamentarians have identified certain key countries and actors that they claim are responsible for promoting homosexuality in Uganda. Western countries are primarily held responsible for ‘putting pressure on Ugandans’<sup>77</sup> to accept homosexuality. The United States of America and

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<sup>66</sup> See for instance, Hansard, Mr Sebagala MP, 9 August 2016, 5.15. p.m.; Hansard, Mr Buturo MP, 11 April 2018, 5.09 p.m.; Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>67</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>68</sup> Hansard, Mr Obua MP, 31 March 2015, 4.31 p.m.

<sup>69</sup> Hansard, Ms Ogwal MP, 11 April 2018, 6.17 p.m.

<sup>70</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>71</sup> Hansard, Ms Asinde MP, 11 April 2018, 6.16 p.m.

<sup>72</sup> Hansard, Ms Koyekyenga MP, 14 November 2018, 4.36 p.m.

<sup>73</sup> Hansard, Dr Baryomunsi MP, 11 April 2018, 5.41 p.m.

<sup>74</sup> Hansard, Mr Olanya MP, 17 August 2016, 6.03 p.m.

<sup>75</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>76</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>77</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

European countries are claimed to be ‘popular for homosexuality’,<sup>78</sup> tolerant of a range of ‘distasteful practices’,<sup>79</sup> and intent on promoting ‘sexual perversion’<sup>80</sup> among Ugandans. As one parliamentarian put it:

They brought AIDS, we fought it, and now we know how to treat our selves [...] I know these people want to bring homosexuality in Uganda. They want to start with our children so that they grow up knowing that homosexuality is good. That is the beginning and they use a lot of money.<sup>81</sup>

Parliamentarians have claimed that the promotion of homosexuality in Uganda is ‘organised and backed by some powerful governments and international organisations around the world’.<sup>82</sup>

The ‘goal’ of Western countries that promote homosexuality in Uganda is, it has been claimed, to achieve ‘a situation where Uganda is dominated, exploited, oppressed and occupied’.<sup>83</sup> The promotion of homosexuality is part of the ‘quest for a new world order’ by the West, which has the ‘desire to dominate’ Uganda but conceals this desire in ‘demands such as adoption of Western type of democracy and human rights’.<sup>84</sup> As such, the promotion of homosexuality has been presented as a surreptitious means by which Western countries are seeking to undermine and take control of Uganda. Homosexuality is, therefore, claimed to be part of a broader Western

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<sup>78</sup> Hansard, Ms Nalubega MP, 14 July 2015, 4.59 p.m.

<sup>79</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m. See also Hansard, Ms Aol MP, 11 April 2018, 6.13 p.m.

<sup>80</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>81</sup> Hansard, Ms Diri MP, 17 August 2016, 5.47 p.m.

<sup>82</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>83</sup> Hansard, Dr Buturo MP, 11 April 2018, 5.09 p.m.

<sup>84</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.



campaign of ‘exploitation, oppression as well as imperialism’.<sup>85</sup> Such imperialism, it has been claimed, is pursued through the recruitment of ‘an army of homosexuals’<sup>86</sup> in Uganda capable of carrying out a ‘moral invasion’<sup>87</sup> designed to create a ‘prolonged, controlled and unstoppable trend of moral and ethical decline’.<sup>88</sup> The ultimate aim of this invasion, it has been claimed, is to put Uganda ‘into a catastrophic state of non-governability, instability, insecurity, disunity, underdevelopment, dependence, oppression, exploitation and domination by external interests’.<sup>89</sup>

The idea, expressed by some parliamentarians, that homosexuality is a mechanism by which one or multiple nations can conquer another nation is a variation of a story that has often been told from time-to-time and place-to-place. For example, in Britain during the final year of the First World War there was a widely held belief that the German Secret Service were in possession of a list of British men and women who were ‘sexual perverts, mostly sodomites and lesbians’, and were engaged in blackmailing them (Montgomery Hyde, 1970: 171). These British men and women were known to the Germans, it was believed, because of ‘reports of German agents’ who were said to have ‘infested’ Britain for twenty years in order to spread ‘debauchery of such a lasciviousness as only German minds could conceive and only German bodies execute’ (Montgomery Hyde, 1970: 171). The claim made by some Ugandan parliamentarians, that there is a ‘fast spreading foreign culture of homosexuality’<sup>90</sup> in Uganda, can therefore be seen as a variation of a story that has been told about invasive and foreign homosexuality in many countries around the world.

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<sup>85</sup> Hansard, Dr Buturo MP, 14 November 2018, 3.45 pm.

<sup>86</sup> Hansard, Ms Alaso MP, 1 March 2016.

<sup>87</sup> Hansard, Mr Buturo MP, 4 September 2018, 2.29 p.m.

<sup>88</sup> Hansard, Mr Buturo MP, 22 January 2019, 5.19 p.m.

<sup>89</sup> Ibid.

<sup>90</sup> Hansard, Ms Ogwal MP, 19 May 2016, 10.49 p.m.

## ***2.2 How homosexuality is promoted and the tactics used by promoters***

According to some parliamentarians, a key way in which Western countries achieve their aim of promoting homosexuality in Uganda is to fund the work of non-governmental organizations (NGOs) that operate in Uganda. Parliamentarians have claimed, for example, that foreign-funded NGOs promote ‘sexuality and homosexuality’<sup>91</sup> through various activities. NGOs have been blamed for creating ‘havoc’<sup>92</sup> and ‘funding [...] the youth for purposes of practicing the vice’ of homosexuality.<sup>93</sup> Whilst some parliamentarians have been concerned about the intentions of ‘some’<sup>94</sup> foreign-funded NGOs, others have claimed that the promotion of homosexuality and other ‘vice’ is inherent to the activities of all foreign-funded NGOs that ‘come with the intention of helping but end up carrying these bad practices along’.<sup>95</sup>

A further way in which homosexuality is promoted in Uganda, it has been claimed, is through ‘foreign homosexuality cartels’<sup>96</sup> that have a ‘deliberate policy’<sup>97</sup> to ‘recruit and mobilise’<sup>98</sup> Ugandans into homosexuality. Such ‘cartels’, parliamentarians have claimed, have ‘a lot of money’,<sup>99</sup> wield ‘enormous influence’ over national governments and international institutions,<sup>100</sup> and have considerable capacity ‘to franchise their moral virus to kill our moral fiber’.<sup>101</sup> Such claims bear strong similarity with claims made by anti-Semitic conspiracy

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<sup>91</sup> Hansard, Ms Ogwal MP, 19 August 2015, 4.25 p.m.

<sup>92</sup> Hansard, Col Mwesigye MP, 25 November 2015.

<sup>93</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>94</sup> Hansard, Ms Alum MP, 14 November 2018, 4.06 p.m.

<sup>95</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>96</sup> Hansard, Ms Rwakoojo MP, 7 March 2019.

<sup>97</sup> Hansard, Dr Baryomunsi MP, 14 November 2018, 4.20 p.m.

<sup>98</sup> Hansard, Dr Baryomunsi MP, 11 April 2018, 5.41 p.m.

<sup>99</sup> Hansard, Mr Achia MP, 17 August 2016, 5.51 p.m.

<sup>100</sup> Hansard, Dr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>101</sup> Hansard, Mr Kamusiime MP, 11 April 2018, 5.45 p.m.

theorists about ‘Jewish cartels’ as powerful and rich groups of Jews intent on controlling or destroying nation states (Perry and Schweitzer, 2002: 117).

The promoters of homosexuality in Uganda, parliamentarians have claimed, use a number of tactics in a range of social and institutional settings. For example, it has been claimed that promoters of homosexuality target HIV/AIDS events and human rights conferences in Uganda at which they deploy aggressive techniques to promote homosexuality. Promoters of homosexuality are so aggressive, one parliamentarian has claimed, that whilst attending an event she was ‘warned that when you go and enter the toilet, make sure you lock it’.<sup>102</sup> Parliamentarians have also claimed that promoters of homosexuality use health education conferences to positively promote ‘men having sex with men’ and to give homosexual men the ‘opportunity to march and to stand at the back of the audience’.<sup>103</sup> For ‘purposes of practicing the vice’ of homosexuality, it is claimed, promoters ‘go to schools, universities, places of worship and communities where they hold so-called workshops disguised as sensitising the youth about HIV/AIDS and sexually transmitted diseases’.<sup>104</sup>

Educational institutions – schools, boarding schools and universities – have been claimed to be key arenas in which promoters of homosexuality operate.<sup>105</sup> Parliamentarians have claimed that several different tactics are used in such institutions to encourage homosexuality among pupils

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<sup>102</sup> Hansard, Ms Akello MP, 12 April 2018, 7.31 p.m.

<sup>103</sup> Hansard, Ms Alyek MP, 12 April 2018, 7.23 p.m.

<sup>104</sup> Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

<sup>105</sup> Hansard, Dr Baryomunsi MP, 11 April 2018, 5.41 p.m. See also: Hansard, Mr Ssebagala MP, 13 August 2015, 2.58 p.m.; Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.; Hansard, Ms Taaka MP, 11 April 2018, 5.30 p.m.; Hansard, Ms Alum MP, 11 April 2018, 5.57 p.m.; Hansard, Ms Mbabazi MP, 11 April 2018, 6.07 p.m.; Hansard, Ms Asinde MP, 11 April 2018, 6.16 p.m.; Hansard, Ms Ogwal MP, 11 April 2018, 6.17 p.m.; Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.; Hansard, Ms Koyekyenga MP, 14 November 2018, 4.36 p.m.

and teachers. One such tactic involves the use of ‘hefty sums of money’<sup>106</sup> to encourage teachers and lecturers to describe homosexuality in positive ways. For example, one parliamentarian has claimed that teachers in a primary school distributed books about the ‘positivity of being a gay’ and taught children that ‘it is cool to be gay; it is okay to have a gay friend; it is okay for you to love your male friends; and that it is okay for you to love your female friends’.<sup>107</sup> Similarly, the Speaker has claimed that, whilst attending an international meeting in Denmark, ‘we were given books for our country’ and, ‘browsing through them, we discovered that they were books on homosexuality. So, we came back here, raised hell and the books were withdrawn’.<sup>108</sup> It has also been claimed that male students are ‘lured into homosexuality by foreigners’ in exchange for scholarships, financial aids and bursaries.<sup>109</sup> A central aspect of such claims, as we explore in detail below, is the idea that the promotion of homosexuality centres on the corruption of children and young people.

A further tactic that promoters of homosexuality have been claimed to utilize is the targeting of people in deprived areas and the recruitment of poor people into homosexuality. ‘They [the promoters of homosexuality] started with street children who thought they were being helped with biscuits’, claimed one parliamentarian.<sup>110</sup> Another parliamentarian has claimed that promoters of homosexuality recruit people into homosexuality and then incentivise them with the promise of payment of money to recruit others, with payment given ‘according to the number of persons they mobilise and recruit’:

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<sup>106</sup> Hansard, Ms Rwakoojo MP, 7 March 2019.

<sup>107</sup> Hansard, Ms Amoding MP, 17 August 2016, 6.17 p.m.

<sup>108</sup> Hansard, Ms Kadaga MP (Speaker), 17 August 2016, 5.30 p.m.

<sup>109</sup> Hansard, Ms Rwakoojo MP, 7 March 2019. See also: Hansard, Mr Sebagala MP, 9 August 2016, 5.15 p.m.; Hansard, Dr Baryomunsi MP, 11 April 2018, 5.41 p.m.; Hansard, Ms Alum MP, 11 April 2018, 5.57 p.m.; Hansard, Ms Kemirembe MP, 14 November 2018, 4.57 p.m.

<sup>110</sup> Hansard, Mr Bakabulindi MP, 17 August 2016, 6.45 p.m.

The more persons you mobilise, the more payment you get. Since you know that we are desperate for money and money is normally taken as “sabuni ya ro” in Kiswahili, meaning that any person can accept to do anything; people are desperate and they can get into it.<sup>111</sup>

Homosexuality, in this sense, is understood to ‘spread because of poverty’ and the ‘lure [of] good money’.<sup>112</sup>

Promoters of homosexuality, it has been claimed, also utilize broadcast and social media to encourage same-sex sexual acts. For example, one parliamentarian has claimed that international broadcasters, such as the Disney Channel and Nickelodeon, deliberately create and air programmes that ‘come with gay and bisexual characters’:

These are programmes our children are watching on television and we the parents still think that possibly we have controlled our children by not allowing them to move around but televisions are doing a disservice to us.<sup>113</sup>

Television is therefore seen as a means to loosen the ‘control’ that parents have over children and this, as we explore below, is an aspect of a more general anxiety about the promotion of homosexuality among young people. This anxiety is itself part of a broader concern about how broadcast and social media encourage sexual promiscuity in Uganda. For example, some

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<sup>111</sup> Hansard, Ms Atyang MP, 14 November 2018, 4.53 p.m.

<sup>112</sup> Hansard, Ms Aol MP, 11 April 2018, 6.13 p.m.

<sup>113</sup> Hansard, Ms Kiiza MP, 17 August 2016, 6.33 p.m.

parliamentarians have claimed that movies, and in particular ‘blue movies’, are promoting immoral activities.<sup>114</sup>

### **3. Homosexuality and the ‘corruption’ of children**

One of the arguments that parliamentarians have made about the promotion of homosexuality in Uganda is that its focus is on the corruption<sup>115</sup> and recruitment<sup>116</sup> of children. The idea that promoters of homosexuality ‘target’<sup>117</sup> children is a long-standing claim that has been used by legislators in many countries around the world to underpin the enactment of legislation designed to prevent the promotion of homosexuality among minors. For example, the United Kingdom once prohibited ‘promoting homosexuality by teaching or by publishing material’<sup>118</sup> and the Russian Federation currently regulates the ‘promotion of non-traditional sexual relations among minors’.<sup>119</sup> In this section we discuss the claims that parliamentarians in Uganda have made about the ‘effects’ of homosexuality on children, the tactics they imagine are being used to recruit children into homosexuality, and the calls they have made for bespoke legislation designed to protect children from homosexuality.

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<sup>114</sup> Hansard, Mr Kamusiime MP, 11 April 2018, 5.45 p.m. See also: Hansard, Mr Alero MP, 14 November 2018, 4.14 p.m.

<sup>115</sup> Hansard, Ms Amule MP, 14 November 2018, 4.47 p.m.

<sup>116</sup> Hansard, Ms Alaso MP, 1 March 2016.

<sup>117</sup> Hansard, Mr Olanya MP, 17 August 2016, 6.03 p.m.

<sup>118</sup> S. 2A Local Government Act 1986.

<sup>119</sup> Art. 6.21 Code of Administrative Offences. For a discussion, see Johnson (2015b).

### *3.1 The ‘effects’ of homosexuality on children*

A key aspect of parliamentary debates is the commonly made claim that children are being ‘messed up’<sup>120</sup> because of the lack of legislation prohibiting the promotion of homosexuality. Claims that homosexuals ‘are coming to target our young generation’,<sup>121</sup> that ‘[h]omosexuality is really affecting the youth’,<sup>122</sup> and that children ‘are falling victims of [homosexuality] because of their vulnerability’<sup>123</sup> are a regular feature of parliamentary debate. Parliamentarians have described the negative effects that the promotion of homosexuality is having on ‘our young people’<sup>124</sup> and ‘our own children’<sup>125</sup> which, it is claimed, are ‘destroying [Ugandan] children, especially the boys’.<sup>126</sup>

One negative effect of the promotion of homosexuality, it has been claimed, is that children become ‘trapped into homosexuality’<sup>127</sup> which leads them to become marginalised by society and rejected by their families. For example, one parliamentarian has claimed that she met a ‘young boy’, who was ‘speaking like a girl [and] had a lot of makeup and hair’, who had become estranged from his parents ‘because they could not take it’.<sup>128</sup> A further negative effect of the promotion of homosexuality, parliamentarians have claimed, is that children ‘lured’<sup>129</sup> into homosexuality are likely to be subject to other forms of criminal activity. For example, one

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<sup>120</sup> Hansard, Ms Amule MP, 14 November 2018, 4.47 p.m.

<sup>121</sup> Hansard, Mr Olanya MP, 17 August 2016, 6.03 p.m.

<sup>122</sup> Hansard, Ms Mbabazi MP, 11 April 2018, 6.07 p.m.

<sup>123</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>124</sup> Hansard, Ms Aol MP, 11 April 2018, 6.13 p.m. See also Hansard, Ms Alaso MP, 11 November 2014, 5.22 p.m.; Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>125</sup> Hansard, Ms Oleru MP, 09 September 2014, 4.02 p.m. See also Hansard, Ms Alaso MP, 1 March 2016; Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>126</sup> Hansard, Ms Ssentongo MP, 14 November 2018, 4.32 p.m.

<sup>127</sup> Ibid.

<sup>128</sup> Hansard, Ms Mbabazi MP, 11 April 2018, 6.07 p.m.

<sup>129</sup> Hansard, Ms Rwakoojo MP, 7 March 2019.

parliamentarian has claimed that there is a close relationship between homosexuality and people trafficking.<sup>130</sup> Another negative effect of the promotion of homosexuality, a number of parliamentarians have claimed, is that young male ‘victims’<sup>131</sup> of homosexuality suffer severe physical damage. For instance, one parliamentarian has stated:

two boys were interviewed [on television] as victims of this act. They were lamenting about what they were going through. Right now, they wear pampers. They have to go through a surgical process but they do not have the money.<sup>132</sup>

Through such claims, promoters of homosexuality are depicted as an abusive, criminal and sexually violent group that are victimizing ‘a generation of young people’.<sup>133</sup> The claim that homosexuals pose a threat to children is long-standing and has underpinned a wide-range of homophobic campaigns, such as the ‘Save Our Children’ campaign in California in the 1970s (Niedwiecki, 2013).

### ***3.2 Tactics used by promoters of homosexuality on children***

According to some parliamentarians, promoters of homosexuality deploy specific tactics in order to enrol children into homosexuality. One such tactic, it has been claimed, is the use of programmes designed to send Ugandan children to live or study abroad. For example, during a debate about the regulation of international adoption and foster care, several parliamentarians

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<sup>130</sup> Hansard, Ms Ntabazi MP, 3 September 2014, 5.23 p.m.

<sup>131</sup> Hansard, Ms Mugeni MP, 11 April 2018, 5.34 p.m.

<sup>132</sup> Ibid.

<sup>133</sup> Hansard, Ms Asamo MP, 17 August 2016, 5.30 p.m.



focused attention on the need to ensure that children ‘are going to be free from sex, molestation, homosexuality and all these sorts of abuses’ once they leave Uganda.<sup>134</sup> As one parliamentarian put it, ‘when these children get out of the country, they can be subjected to all sorts of cultures including homosexuality’.<sup>135</sup> Parliamentarians have explicitly claimed that international adoption is being used to gain access to Ugandan children in order to subject them to abusive homosexual sexual acts. One parliamentarian has drawn an equivalence between this claimed practice and the theft of bodily organs from children:

most of the children who have been taken out of the country as a result of guardianship under inter-country adoption are the ones who have ended up with kidney transplants and vices like homosexuality.<sup>136</sup>

International adoption, therefore, has been claimed as a means by which homosexuals ‘are taking our children for other things’<sup>137</sup> and a mechanism by which homosexuals are ‘collecting our children’.<sup>138</sup> Such claims are similar to claims that were made in the Russian Federation in support of the enactment of legislation prohibiting adoption by, for example, same-sex couples in countries that recognise their union as marriage, in order to protect children from ‘complexes, emotional suffering and stress’ (Reuters, 2013).

Another tactic that parliamentarians have claimed the promoters of homosexuality use is to encourage homosexuality among children in educational institutions, such as boarding schools,

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<sup>134</sup> Hansard, Mr Ayoo MP, 17 December 2015, 6.46 p.m.

<sup>135</sup> Hansard, Ms Ogwal MP, 2 March 2016.

<sup>136</sup> Hansard, Mr Mwiru MP, 17 December 2015, 6.24 p.m.

<sup>137</sup> Hansard, Ms Ntabazi MP, 3 September 2014, 5.23 p.m.

<sup>138</sup> Hansard, Ms Alaso MP, 1 March 2016.

single sex schools, and universities. For example, one parliamentarian has claimed that the promotion of homosexuality in single sex schools is so widespread that she would ‘fear taking my child to a single sex school because of these practices’.<sup>139</sup> Other parliamentarians have claimed that ‘homosexuality mostly affects the youth in schools’<sup>140</sup> and that ‘this vice spread quietly in some of these boarding schools, including primary and secondary schools and also in other government and even private institutions’.<sup>141</sup> Promoters of homosexuality, it is claimed, gain access to schools duplicitously:

They go in the name of opening schools and indirectly spread this vice; paying school fees for the needy children yet they are trying to promote homosexuality and gay relationships.<sup>142</sup>

Gaining access to schools gives promoters of homosexuality, it has been claimed, the opportunity to give ‘huge sums of money’ to induce teachers and lecturers to ‘recruit students into homosexuality’.<sup>143</sup> Such recruitment is achieved, it is claimed, by teaching children ‘western lifestyles like homosexuality’<sup>144</sup> and, as a consequence, homosexuality is ‘mushrooming’.<sup>145</sup>

The ‘introduction of sexuality education’ has also been claimed to have resulted in Uganda being ‘eroded with cultures’, such as homosexuality, which ‘have never existed in our country’.<sup>146</sup>

Anti-homosexuality organizations around the world commonly make the claim that schools

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<sup>139</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>140</sup> Hansard, Ms Mbabazi MP, 11 April 2018, 6.07 p.m.

<sup>141</sup> Hansard, Ms Alum MP, 11 April 2018, 5.57 p.m.

<sup>142</sup> Ibid.

<sup>143</sup> Hansard, Ms Rwakoojo MP, 7 March 2019.

<sup>144</sup> Hansard, Mr Sebagala MP, 9 August 2016, 5.15 p.m.

<sup>145</sup> Ibid.

<sup>146</sup> Hansard, Ms Asamo MP, 17 August 2016, 5.30 p.m.

promote homosexuality through ‘sex education’. For example, between January and March 2019 hundreds of (mostly Muslim) people publically protested against teaching delivered in a primary school in the United Kingdom that aimed to deliver the objectives of anti-discrimination legislation<sup>147</sup> on the grounds that schools and parents should ‘say no to promoting of homosexuality and LGBT ways of life to our children’ and ‘stop exploiting children’s innocence’ (The Guardian, 2019). The claims of Ugandan parliamentarians therefore resonate with similar claims often expressed in other parts of the world about relationship and sex education in schools being used as a vehicle to corrupt and recruit children into homosexuality.

### ***3.3 Protecting children***

Since the AHA 2014 was nullified, some parliamentarians have argued that the primary reason it should be re-enacted is the necessary protection from homosexuality that it provided to children. For example, parliamentarians have argued that Members need to ‘do all that it takes to ensure that the Anti-Homosexuality Bill is re-tabled so that our youth can be protected’<sup>148</sup> and that ‘[w]e need to pass this Bill again so that we bring to book those people [homosexuals] abusing our children in schools, homes and everywhere’.<sup>149</sup> Ugandan law already contains extensive provisions criminalizing sexual ‘defilement’ of children under 18 years<sup>150</sup> and, consequently, claims of a need to ‘protect’ children from ‘abuse’ in this context relate to the imagined harm created by the promotion of homosexuality rather than sexually abusive acts.

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<sup>147</sup> The teaching was the ‘No Outsiders’ programme developed by Andrew Moffat (2017) which is concerned with the delivery of the objectives outlined in the Equality Act 2010.

<sup>148</sup> Hansard, Mr Ssebagala MP, 13 August 2015, 2.58 p.m.

<sup>149</sup> Hansard, Ms Diri MP, 11 April 2018, 6.05 p.m.

<sup>150</sup> S.129 PCA Cap 120 (as amended).

Children, it has been claimed, require protection from the ‘calculated move’ of promoters of homosexuality to ‘intoxicate them when they are still young so that they grow up with that mentality’.<sup>151</sup> As one parliamentarian put it:

I think this a plan by some people elsewhere to ruin our country. When you want to spoil a country, start with the children by changing their mentality so that they think whatever they are doing is the right thing and yet in the end it is wrong [...] They want to start with our children so that they grow up knowing that homosexuality is good.<sup>152</sup>

Such claims strongly resonate with claims that were once widely accepted in Europe. For example, in the 1980s the settled position of the European Court of Human Rights was that, even though the complete criminalization of homosexual sexual acts could not be deemed necessary in a democratic society, there was a:

legitimate necessity in a democratic society for some degree of control over homosexual conduct notably in order to provide safeguards against the exploitation and corruption of those who are specially vulnerable by reason, for example, of their youth.<sup>153</sup>

The European Court of Human Rights has since repudiated the idea that young people are ‘vulnerable’ to homosexuality but it is an idea that still circulates in some mainstream European political discourse – for example, as discussed above, in the Russian Federation – and is not an idea that is unique to Ugandan politics.

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<sup>151</sup> Hansard, Mr Olanya MP, 17 August 2016, 6.03 p.m.

<sup>152</sup> Hansard, Ms Diri MP, 17 August 2016, 5.47 p.m.

<sup>153</sup> *Dudgeon v the United Kingdom* (1981) Series A no 45, para 62.

In the absence of the AHA 2014 being re-enacted, parliamentarians have advocated a range of ways in which the protection of ‘the generation that is ahead of us’ can be achieved.<sup>154</sup> For example, one parliamentarian has suggested that all Members of Parliament should ‘go deep and find out what [is] being taught’,<sup>155</sup> ‘follow’ children ‘up to schools and [...] see what really happens to them’,<sup>156</sup> and ‘torch [...] these institutions where we think the suspicion of such bad behavior is being propagated’.<sup>157</sup> Moreover, it has been suggested that children should be informed ‘about what is happening to them, and the dangers of having sex with either opposite sex or similar sex’.<sup>158</sup> Some parliamentarians have called upon the Ministry of Education and Sports to ‘put a mechanism to our schools’,<sup>159</sup> such as introducing a ‘subject on ethics and values’,<sup>160</sup> so that ‘this evil cannot penetrate in our youth’.<sup>161</sup> A number of parliamentarians have urged Members to approve ‘laws as punitive and as deterrent as possible’,<sup>162</sup> to ‘devise and design a mechanism of making sure that this kind of practice is curbed out and our children are not corrupted into it’,<sup>163</sup> and to ‘bring to book those people abusing our children’.<sup>164</sup>

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<sup>154</sup> Hansard, Ms Alaso MP, 11 November 2014, 5.22 p.m.

<sup>155</sup> Hansard, Mr Sebagala MP, 9 August 2016, 5.15 p.m.

<sup>156</sup> Hansard, Ms Taaka MP, 11 April 2018, 5.30 p.m.

<sup>157</sup> Hansard, Ms Anywar MP, 11 April 2018, 5.23 p.m.

<sup>158</sup> Hansard, Ms Diri MP, 17 August 2016, 5.47 p.m.

<sup>159</sup> Hansard, Mr Katuramu MP, 14 November 2018, 4.33 p.m.

<sup>160</sup> Hansard, Ms Ameede MP, 14 November 2018, 4.45 p.m.

<sup>161</sup> Hansard, Mr Katuramu MP, 14 November 2018, 4.33 p.m.

<sup>162</sup> Hansard, Ms Alaso MP, 11 November 2014, 5.22 p.m.

<sup>163</sup> Hansard, Ms Amule MP, 14 November 2018, 4.47 p.m.

<sup>164</sup> Hansard, Ms Diri MP, 11 April 2018, 6.05 p.m.

#### 4. Conclusions

In this article we have examined debates about homosexuality in the Ugandan Parliament from the time that the Constitutional Court nullified the AHA 2014.<sup>165</sup> It is clear from our analysis that, during the last five years, there has been extensive debate in the Parliament about the ‘problem’ of homosexuality. A defining feature of parliamentary debate during this period is that anti-gay and homophobic rhetoric now goes entirely uncontested and unchallenged. In contrast to the period between the introduction of the AHB 2009 and the enactment of the AHA 2014 – during which a small number of parliamentarians did publically contest the legislation in the Parliament<sup>166</sup> – no Member of Parliament since September 2014 has publically spoken against any homophobic argument or claim made in plenary debates. There is, therefore, no opposition to the outpourings of extreme homophobia that are now a standard and consistent aspect of parliamentary debate. On this basis, it has been claimed that ‘[h]omosexuality is a non-partisan issue’<sup>167</sup> and that parliamentarians are universally united in ‘defending cultural norms and values of Africans in general and Ugandans’.<sup>168</sup>

The claim by parliamentarians that they are defending Ugandan values through a rejection of homosexuality is, as others have argued (Vincent and Howell, 2014, Sadgrove et al., 2012), somewhat perverse because it depends upon a regurgitation of ideas about homosexuality that do not originate in Uganda but, in many respects, are European. For example, claims in the Parliament about the dangers posed by the promotion of homosexuality in Uganda by foreigners

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<sup>165</sup> *Prof. J Oloka-Onyango and Nine Others v Attorney General*, op. cit., n. 4.

<sup>166</sup> For a discussion, see Johnson (2015a).

<sup>167</sup> Hansard, Mr Oyet MP, 14 November 2018, 4.26 p.m.

<sup>168</sup> From the text of the ‘Motion for a Resolution of Parliament to commend the Rt Hon. Rebecca Alitwala Kadaga for consistently upholding and protecting Uganda’s cultural values during the 139<sup>th</sup> Inter Parliamentary Union Assembly which took place in Geneva’. See Hansard, Mr Buturo MP, 14 November 2018, 3.45 p.m.

are similar to the seventeenth century claim that the ‘shameful sin of sodomy’ was brought to England by the Lombards during the reign of Edward III (Coke, 1669: 58). Through such claims, homosexuals have often been made into ‘folk devils’ (Cohen, 2011: 2) and marked out as ‘deviant’ by a majority of people who, through the expression of their outrage about homosexuality, develop ‘a tighter bond of solidarity’ (Erikson, 2005: 4). The ‘scapegoating’ of homosexuals is a long-standing mechanism through which consent and unity have been manufactured among groups of people and, as such, is neither Ugandan nor African in origin. This does not prevent those who express homophobic claims in the Parliament from perpetuating the myth that the repudiation of homosexuality reflects an intrinsically Ugandan or African understanding of human sexuality (Kintu, 2018).

The apparent solidarity among parliamentarians regarding homosexuality and the lack of any opposition in the Parliament to expressions of homophobia strongly suggests that, at some point in the future, an attempt will be made to re-enact the AHA 2014. If such an attempt is made, most likely by way of a Private Member’s Bill, there may also be an attempt to include provisions that are even more draconian than those contained in the AHA 2014. Crucially, parliamentarians may seek to ensure that the penalty of death, which was removed from the AHA 2014 during its passage (Johnson, 2015a: 726-729), be prescribed for particular same-sex sexual acts. The lack of any critical voices in the Parliament provides those parliamentarians who wish to pursue their fervent desire to increase the regulation of homosexuality with a strong platform on which to campaign for the most wide-ranging legislation. Any campaign will also

benefit from the implicit warning given by the Speaker that Members of Parliament who do not support the increased regulation of homosexuality risk losing their seats at the next election.<sup>169</sup>

Even in the absence of new legislation being enacted, the debates about homosexuality in the Parliament send a clear message to the people of Uganda that parliamentarians have no interest in defending the rights and freedoms of sexual minorities. Such a situation – which, again, is not unique to Uganda or African countries – encourages the view that homophobia is acceptable and mandates the hatred of gay people. As was the case in Nazi Germany, where gay people were ‘never safe from denunciation’ (Grau, 1995: 7), or as is currently the case in the Chechen Republic of the Russian Federation where gay people are subject to systematic and widespread discrimination and harassment,<sup>170</sup> gay people in Uganda live in a society where those with political power encourage significant hostility towards them. When antipathy towards homosexuality becomes uncontested among those with political power, as is now the case in Uganda, history shows that gay people struggle significantly to resist their repression. Ugandan parliamentarians have, to paraphrase a recent speech made by Lord Lexden on the criminalization of same-sex sexual acts in Commonwealth countries, set aside the human rights of gay people and, in so doing, human misery inevitably follows.<sup>171</sup>

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<sup>169</sup> The Speaker recently made the following statement in the Parliament, after attending the 138th Inter Parliamentary Union Assembly: ‘I would like to inform Members that during that time, the *bazungu* were looking for the Africans and Arabs and they told them, “We can give you money to support you in your elections. Vote with us [on issues relating to homosexuality] and we will give you money so that you win in the next elections.” I told my Members, “Where are the former Members of Parliament, hon. Fox Odoi and Sam Otada?”’ (Hansard, Ms Kadaga MP (Speaker), 11 April 2018, 5.09 p.m.). The implicit claim of the Speaker is that Mr Otada ex-MP and Mr Odoi-Oywelowo ex-MP lost their seats because they had challenged the AHA 2014. For a discussion, see Johnson (2015a).

<sup>170</sup> Council of Europe, Parliamentary Assembly, Resolution 2230 (2018) on the ‘Persecution of LGBTI people in the Chechen Republic (Russian Federation)’, adopted by the Assembly on 27 June 2018 (24<sup>th</sup> Sitting).

<sup>171</sup> Official Report, House of Lords, 16 March 2017, Vol. 779, col. 2032.



Gay and lesbian groups in Uganda, such as Freedom and Roam Uganda (FARUG) and Sexual Minorities Uganda (SMUG), valiantly attempt to ‘amplify the LGBTIQ voice in Uganda’ (SMUG, 2019), but such amplification is in constant competition with homophobic voices that have the unequivocal imprimatur of the Parliament. What is absolutely necessarily, as the history of the development of sexual orientation equality in other jurisdictions shows, is that some parliamentarians must find the courage, if the scourge of homophobia is to be eradicated, to challenge expressions of homophobia in the Parliament and articulate the interests of gay and lesbian Ugandans. Parliamentary debates serve as important platforms from which public opinion on key social issues is both shaped and reflected and, consequently, such debates are ‘a powerful engine for recognitions and misrecognitions, for strengthening, marginalizing or disorganizing sexual/national identities and, in so doing, for conferring, limiting or withholding formal, as well as symbolic, citizenship’ (Epstein, Johnson and Steinberg, 2000: 14). Although claims about a causal relationship between parliamentary debate and broader social change should not be overstated, it is incontrovertible that parliamentary discourse about homosexuality impacts upon the social and cultural organization of sexuality (Johnson and Vanderbeck, 2014).

Parliamentarians therefore have a vital role to play in challenging homophobia in society. Parliamentarians can make authoritative, evidence-based statements that dispute many of the claims about homosexuality that now circulate in the Parliament. Parliamentarians can also speak positively about same-sex relationships and about the social value of ensuring equality based on sexual orientation. There will undoubtedly be Members of the Ugandan Parliament who experience same-sex attraction, have same-sex relationships, or who have friends and family members who have same-sex relationships, and who fundamentally disagree with the dominant

homophobic discourse in the Parliament. It is crucial that those parliamentarians be afforded support, both by their parliamentary colleagues and by those outside of the Parliament, in speaking out against the homophobic ideas articulated by their peers. It is also vital that Ugandan parliamentarians be afforded international support – albeit support that is sensitive to the claims that are made about international interference in Uganda regarding homosexuality – in promoting a positive vision of same-sex relationships in Uganda.

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